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Docket No.: KCC-15,529

#9
12/21/02
AS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John David TUCKER, et al.

Serial No.: 09/967,218

Filing Date: 28 September 2001

Title: TEXTILE FIBERS MADE FROM
STRENGTHENED POLYPROPYLENE

Group No. 1711

Examiner: T. Tran

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

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Dear Sir:

In response to the Office Action mailed 20 September 2002,
Applicants respectfully request reconsideration of the above-referenced Patent
Application in view of the following remarks.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

December 6, 2002

12/6/02
Date

William J. Rauch
Signature

KCC-1125

MR/S



Serial No. 09/967,218

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Oath/Declaration

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The Examiner has indicated that Applicants' declaration, filed on 08 January 2002 and entitled Combined Declaration, Power of Attorney and Petition, is defective. The Examiner asserts that the declaration is defective because: 1) it does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and 2) it was not executed in accordance with either 37 CFR 1.66 or 1.68.

Applicants respectfully disagree with the Examiner and direct the Examiner to Applicants' Combined Declaration, Power of Attorney and Petition filed on 08 January 2002, attached to a copy of the application as originally filed to obtain a filing date for the referenced application. In the first sentence of the Combined Declaration, Power of Attorney and Petition, Applicants state that they "have reviewed and understand the contents of the attached specification and claims." Applicants respectfully urge the Examiner that such statement meets the requirements of 37 CFR 1.63(a)(2). No amendment was referred to in the declaration.

Applicants respectfully urge that the Combined Declaration, Power of Attorney and Petition filed on 08 January 2002 was properly executed in accordance with 37 CFR 1.68. Applicants direct the Examiner to the paragraph under the heading DECLARATION, wherein Applicants meet all the requirements of a declaration in accordance with 37 CFR 1.68.

Claim Rejections - 35 U.S.C. §102

Claims 1-4, 12, and 20-22 have been rejected under 35 U.S.C. §102(e) as anticipated by Chisholm et al. (U.S. Patent 6,300,405). Applicants' independent Claim 1 includes a textile fiber comprising polypropylene blended with about 1-25% by weight impact modifier. Applicants' independent Claim 12 includes a textile fiber comprising polypropylene blended with about 2-15% by weight impact modifier selected from the group consisting of ethylene-propylene-diene-monomer, styrene/ethylene-co-butadiene/styrene, and styrene-poly(ethylene-propylene)-styrene-poly(ethylene-propylene). Applicants' independent Claim 20 includes a nonwoven fabric including a plurality of fibers comprising polypropylene blended with about 1-

25% by weight impact modifier selected from the group consisting of ethylene-propylene-diene-monomer, styrene/ethylene-co-butadiene/styrene, and styrene-poly(ethylene-propylene)-styrene-poly(ethylene-propylene).

Chisholm et al. discloses polyester resin compositions reinforced with glass fibers. (Abstract; Column 5, lines 50-65). The glass fibers, not the polyester resins, can be bundled into yarns and ropes. (Column 6, lines 6-9). The polyester resins of Chisholm et al. can include impact modifiers (Column 7, lines 12-51). The polyester resins of Chisholm et al. can be processed into sheets, film, and compression moldings for use in a variety of articles, such as electrical connectors and trucks (Column 8, lines 8-13). Furthermore, Chisholm et al. discloses using thermoplastic resins to alleviate stress concentration and brittleness caused by the addition of the glass fibers.

Chisholm et al. discloses using glass fibers or yarns in the polyester resins, but does not disclose forming fibers from a blend of the disclosed polyester resins. As Chisholm et al. does not disclose fibers formed from a polypropylene blend, Chisholm et al. does not disclose each and every limitation of Applicants' Claims 1 and 12. Chisholm et al. also does not disclose a nonwoven fabric made from a plurality of polypropylene fibers, and therefore does not disclose each and every limitation of Applicants' Claim 20.

For at least the reasons presented above, Applicants respectfully submit that Claims 1, 12, and 20 are not anticipated by Chisholm et al. Because Claims 2-11, 13-19, and 21-23 depend from one of Claims 1, 12, and 20, these claims are also not anticipated by Chisholm et al. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

Claims 5-6, 8-11, 13-14, 16-19, and 23 have been rejected under 35 U.S.C. §103(a) as being obvious over Chisholm et al. (U.S. Patent 6,300,405). Claims 5-6, 8-11, 13-14, and 16-19 recite types of fibers, yarns, and fabrics formed from polypropylene blended with impact modifiers recited in Claims 1 and 12. Claim 23 recites an absorbent article including the nonwoven fabric of Claim 20. The Examiner states that Chisholm et al. does not teach Applicants' specific claimed

fibers, yarns, fabrics, and absorbent articles, but suggests that it would be obvious to one skilled in the art to form the specific claimed fibers, yarns, fabrics, and absorbent articles from the fibers of Chisholm et al., as Chisholm et al. teaches that the fibers can be formed into yarns, ropes or rovings, or woven into mats and the like (Column 6, lines 6-9).

As discussed above, Chisholm et al. does not teach or suggest forming fibers, yarns, or fabrics from the disclosed polyester resins. Chisholm et al. discloses using glass fibers in the polyester resin composition for reinforcement and stiffness (Column 5, lines 50-53). The glass fibers, not fibers made from the disclosed polyester resin, are disclosed as being formable into yarns, ropes, mats, and the like at Column 6, lines 6-9. Furthermore, Chisholm et al. fails to teach or suggest blended polypropylene fibers. One skilled in the art reading Chisholm et al. would find no teaching or suggestion to create any type of fibers from polypropylene blended with an impact modifier or to create yarns, fabrics, or absorbent articles using such polypropylene fibers.

For at least the reasons given above, Applicants respectfully submit that the teachings of Chisholm et al. fail to teach or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-23 have been rejected under 35 U.S.C. §103(a) as being obvious over Tung et al. (U.S. Patent 6,100,307). Tung et al. teaches a foamable mixed polymer composition having a polyester composition and an aromatic polycarbonate polymer (Abstract; Column 1, lines 25-38). The foamable mixed polymer composition can include impact modifiers (Column 11, lines 20-54) and fibers such as cellulose, polyamide, and polyester fibers (Column 10, lines 55-60). In addition, the mixed polymer composition can be blended with numerous thermoplastic polymers, including polypropylene (Column 11, lines 55- 66). The mixed polymer composition can be made into various articles (Column 14, lines 36-51).

The Examiner asserts that Tung et al. teaches a polyester composition including polypropylene blended with impact modifiers such as ethylene propylene

diene, and that although the specific weight of the impact modifiers is not disclosed, one skilled in the art would optimize the weight percent of the impact modifiers, as such optimizing is routinely done. Applicants respectfully disagree with the Examiner that one skilled in the art reading Tung et al. would find a suggestion or a motivation to form fibers from polypropylene blended with impact modifiers, particularly in the weight percents recited in Applicants' independent Claims 1, 12, and 20, in view of the fact that Tung et al. is directed to foamable compositions and resulting foams.

As discussed above, Tung et al. discloses a foamable base mixed polymer composition having a polyester polymer and an aromatic polycarbonate polymer. Tung et al. also discloses numerous additional materials that can be added to the foamable mixed polymer compositions, including additives, blowing agents, fillers, flame retardants, ultraviolet and other stabilizers, anti-oxidants, drip retardants, dyes, pigments, colorants, antistatic agents, plasticizers, and lubricants, as well as impact modifiers (Column 9, lines 15-21). Tung et al. also discloses a list of numerous thermoplastic polymers that can be additionally blended with the foamable mixed polymer composition (Column 11, lines 55-67). Tung et al. further discloses numerous products that can be made from the numerous combinations of foamable mixed polymer compositions (Column 14, lines 36-51).

Given the abundant possible combinations of mixed polymer compositions, additional materials, and thermoplastic polymers, particularly in view of all the potential uses of the mixed polymer compositions, and the object of creating foamed sheets, without using hindsight one skilled in the art at the time of Applicants' invention would not find a suggestion or motivation in Tung et al. to specifically create a fiber from polypropylene blended with impact modifiers as in Applicants' independent Claims 1, 12, and 20.

For at least the reasons given above, Applicants respectfully submit that the teachings of Tung et al. fail to teach or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.



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Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

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